

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

City of San Diego, a Charter City, The
Redevelopment Agency of the City of San Diego,
a public entity, and Padres, L.P., a limited
partnership,

Complainants,

vs.

San Diego Gas and Electric Company, a
California Public Utility,

Defendant.

Case 04-03-025
(Filed March 10, 2004)

**SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER
AND ADMINISTRATIVE LAW JUDGE**

Summary

This ruling and scoping memo (Scoping Memo) confirms certain rulings made at the prehearing conference (PHC) in this case held Friday, May 14, 2004, in San Diego, California, sets forth the schedule and issues, and addresses other procedural requirements. The parties should check the schedule closely because several of the dates have been slightly altered from those discussed at the PHC.

Schedule

At the PHC, the following two contingent schedules were adopted for the case. If the parties are able to fully stipulate to all material facts by June 10, the schedule without hearings is adopted. If the parties are unable to so stipulate, the schedule with hearings is adopted.

Without Hearings

Date	Event
Thursday, June 10, 2004	Joint Stipulations Filed
Monday, August 23, 2004	Concurrent Opening Briefs Filed
Friday, September 10, 2004	Concurrent Reply Briefs Filed
Friday, September 24, 2004, at 11:00 a.m., Commission Courtroom, San Diego State Building, 1350 Front Street, Room B107, San Diego, California.	Closing Argument before Assigned Administrative Law Judge (ALJ), and Assigned Commissioner if available; case submitted.
Tuesday, November 23, 2004	Last Day to Mail Presiding Officer's Decision

With Hearings

Date	Event
Thursday, June 10, 2004	Joint Stipulation Filed (to the extent the parties can agree on stipulations); <u>this filing should also list the material facts in dispute.</u>
Friday, June 25, 2004	Complainants serve their written testimony.
Monday, July 19, 2004	SDG&E serves its written testimony.
Monday, August 9, 2004	Complainants serve their written rebuttal testimony.
Friday, August 13, 2004 no later than noon	Parties email to each other and to the assigned ALJ their cross examination estimates. ALJ Econome's email is jjjj@cpuc.ca.gov
Monday, August 16, 2004, commencing at 10:00 a.m. Parties should dial in the following toll number: 1-203-310-3009,	Telephonic PHC.

Date	Event
Passcode 487101.	
Wednesday, August 18, 2004 through Friday, August 20, 2004, commencing at 10:30 a.m. on August 18, and at 9:00 a.m. on the remaining days, Commission Courtroom, San Diego State Building, 1350 Front Street, Room B107, San Diego, California	Evidentiary hearings. (Please note that I am <u>not</u> scheduling hearings on Tuesday, August 17.) The parties may make a brief closing argument at the conclusion of the evidentiary hearings.
Friday, September 10, 2004 ¹	Concurrent Opening Briefs Filed
Friday, September 24, 2004	Concurrent Reply Briefs Filed
Tuesday, November 23, 2004	Last Day to Mail Presiding Officer's Decision

Our goal is to resolve this case as soon as possible. We anticipate that the resolution will not exceed 12 months from the date of filing the investigation, pursuant to Pub. Util. Code § 1701.2(d).²

Scope of the Proceeding

The scope of the proceeding is whether or not San Diego Gas & Electric Company's Electric and Gas Rule 15 applies to the installation work for the development area in this case.

¹ The dates set at the PHC have been extended two days to give the parties a full three weeks for filing opening briefs, and a full two weeks for filing reply briefs.

² Section 1701.2(d) states that adjudication cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline.

Category of Proceeding

This proceeding is categorized as adjudicatory, and hearings appear to be necessary. Depending on whether the parties can fully stipulate to the material facts, an evidentiary hearing may not be necessary.

Presiding Officer

Pursuant to Rule 6 (c), Assigned Commissioner Wood designates ALJ Econome as the presiding officer.

Exhibits

Parties shall file the requirements set forth in Appendix B regarding service, correction and identification of, and cross-examination with, exhibits in the hearing room.

Service List

The service list for this proceeding is attached to this Scoping Memo as Appendix A. Parties are requested to serve everyone, whether appearance, state service or information only, with all pleadings, prepared testimony, etc. All documents shall be served by email and regular mail.

Persons designated as Information Only do not have status to appeal a Commission decision.

Communications With Decision Makers (Ex Parte Communication)

Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited in this proceeding. For example, a party or any other person who has a financial interest in this proceeding is prohibited from speaking with a decision maker on a substantive issue in this case. (See Pub. Util. Code § 1701.1, 1701.2, and Rules 5 and 7 of the Commission's Rules of Practice and Procedure for specific rules on ex parte communications.)

Discovery Disputes

If the parties have discovery disputes they are unable to resolve by meeting and conferring, they should raise these disputes with the Commission pursuant to Resolution ALJ-164.

IT IS RULED that:

1. The schedule and scope of this case are as set forth in this Scoping Memo, unless subsequently modified by Assigned Commissioner or Assigned Administrative Law Judge (ALJ) directive.
2. ALJ Econome is the presiding officer in this proceeding.
3. The service list for this proceeding is attached as Appendix A. Parties shall serve everyone on the service list, and shall serve their documents by both email and regular mail.
4. Parties shall follow the instructions in Appendix B regarding exhibits.
5. Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited.
6. Parties shall comply with the procedures set forth in Resolution ALJ-164 regarding discovery disputes.

Dated May 24, 2004, at San Francisco, California.

/s/ CARL WOOD
Carl W. Wood
Assigned Commissioner

/s/ JANET A. ECONOME
Janet A. Econome
Administrative Law Judge

ATTACHMENT A

C.04-03-025 SERVICE LIST

******* APPEARANCES *******

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(End of Attachment A)

APPENDIX B

EXHIBITS

Service of Exhibits

Paper and electronic copies of all prepared written testimony shall be served on everyone on the service list. Do NOT file prepared written testimony with the Commission's Docket Office. (Such testimony becomes part of the record only after it is admitted into evidence.)

Identification of Exhibits in the Hearing Room

Each party sponsoring an exhibit shall, in the hearing room, provide **two copies to the ALJ and one to the court reporter**, and have at least 2 copies available for distribution to parties present in the hearing room. **The upper right hand corner of the exhibit cover sheet shall be blank for the ALJ's exhibit stamp.** Please note that this directive applies to cross-examination exhibits as well. If there is not sufficient room in the upper right hand corner for an exhibit stamp, please prepare a cover sheet for the cross-examination exhibit.

Cross-examination With Exhibits

As a general rule, if a party intends to introduce an exhibit in the course of cross-examination, the party should provide a copy of the exhibit to the witness and the witness' counsel before the witness takes the stand on the day the exhibit is to be introduced. Generally, a party is not required to give the witness an advance copy of the document if it is to be used for purposes of impeachment or to obtain the witness' spontaneous reaction. An exception might exist if parties have otherwise agreed to prior disclosure, such as in the case of confidential documents.

Corrections to Exhibits

Generally, corrections to an exhibit should be made in advance and not orally from the witness stand. Corrections should be made in a timely manner by providing new exhibit pages on which corrections appear. The original text to be deleted should be lined out with the substitute or added text shown above or inserted. Each correction page should be marked with the word “revised” and the revision date.

Exhibit corrections will receive the same number as the original exhibit plus a letter to identify the correction. Corrections of exhibits with multiple sponsors will also be identified by chapter number. For example, Exhibit 5-3-B is the second correction made to Chapter 3 of Exhibit 5.

(End of Appendix B)

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge on all parties of record in this proceeding or their attorneys of record.

Dated May 24, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at

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(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.